

OP-22.35, "Contraband Control," February 1, 2004

SCDC POLICY/PROCEDURE

Change 1 to " OP-22.35" are at Sections: 8.2 , 9

NUMBER:OP-22.35

TITLE:CONTRABAND CONTROL

ISSUE DATE:FEBRUARY 1, 2004

RESPONSIBLE AUTHORITY:INSPECTOR GENERAL

OPERATIONS MANUAL: OPERATIONS

SUPERSEDES: NONE

RELEVANT SCDC FORMS/SUPPLIES: 19-4, 19-29, 19-79, S-23

ACA/CAC STANDARDS:

STATE/FEDERAL STATUTES:

PURPOSE: To outline policy for the control, accountability, and disposition of items declared to be contraband.

POLICY STATEMENT: In order to ensure the safety and security of employees, inmates, and each institution, and to comply with related standards and regulations pertaining to fire-life safety and sanitation and hygiene, any item identified as being "contraband" will be confiscated, accounted for, and disposed of in accordance with applicable state and federal statutes or procedures, and other applicable regulations, codes, standards, and/or Agency policies/procedures and directives. (3-ACRS-3D-06, 3-4280)

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SPECIFIC PROCEDURES:

1. ITEMS CONSIDERED TO BE CONTRABAND: Section 24-3-950, South Carolina Code, 1976, provides that it shall be a felony to furnish or attempt to furnish any inmate of the Department of Corrections with any matter declared by the Director to be contraband. It shall also be unlawful for any inmate under jurisdiction of the Department to possess any matter declared to be contraband. The following are considered contraband within the meaning of this section:

1.1 Any item which was not issued to the inmate officially. Any item which cannot be purchased in the institutional canteen. Any item which has not been authorized by the Warden and/or Agency policy;

1.2 Weapons, any and all firearms, explosives, etc., to include bullets, knives of any and all descriptions, clubs or billies. Any articles that may be used for offense or defense;

1.3 Drugs of any description in particular barbiturates, narcotics, medicines and poisons. Issued medication in excessive amounts and expired medication;

1.4 Any and all types of alcoholic drinks to include "homemade" alcohol. Any liquids containing alcohol;

1.5 Locks and keys. Only those locks and keys that have been specifically authorized by the Warden can be in the possession of an inmate, regardless of the custody level of that inmate;

1.6 Tools of any description. All tools in the possession of any inmate must be approved by the Warden or designee;

1.7 Money in the possession of inmates classified as Work Release in any denominations exceeding \$40.00.

Any item of currency (checks, money orders, bank drafts, etc.) that were not submitted through or with the approval of the Warden/designee. Money in the possession of a single visitor exceeding \$15.00 in cash, and \$10.00 in cash in the possession of more than one visitor for the same inmate. Any money found in institutions;

1.8 Credit cards, telephone calling cards, negotiable instruments, and identification documents other than those issued by SCDC facilities. Exception for identification documents at Work Release facilities;

1.9 Department computer printouts or typewriter ribbons, carbon paper, and other materials from offices that might contain confidential or sensitive information that inmates may not have in their possession;

1.10 Needles, syringes, and other IV paraphernalia not approved and issued by the SCDC Division of Medical and Health Services;

1.11 Jewelry not specifically authorized in SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property";

1.12 Clothing not specifically authorized in SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property";

1.13 Any electronic components used solely for the purpose of recording; Also, electronic devices specifically prohibited include: VCRs; CD players and discs; Video games including hand-held units; Computers; Remote control devices; Tape recorders as a single unit; Typewriters which contain a disk for operation or which can be hooked up to another system or have recording capabilities; Cameras, video recorders, and all other image reproduction equipment and supplies; and cell phones.

1.14 Photographs, pictures, magazines, and other ../images that are unauthorized pursuant to SCDC Policy/Procedure PS-10.08, "Inmate Correspondence Privileges."

1.15 Clothing that displays sexually or racially offensive, vulgar, or profane ../images or wording;

1.16 Clothing that has been altered from manufacturer (no cut-offs or cut-up clothing);

1.17 Cooking appliances other than those provided by SCDC;

1.18 Any item that has been altered from its original manufactured condition or used in an unauthorized manner (i.e., appliances, wiring, extension cords, and electrical plugs). Refer to SCDC Policy OP-22.03, "Authorized Inmate Property and Disposition of Unauthorized Property";

1.19 Hobby craft items and equipment, to include coping saws and needle nose pliers that are not specifically designated by policy or procedure. Hobby craft materials are to be stored in the hobby craft area only;

1.20 All tattoo equipment, paraphernalia, and supplies;

1.21 Personal hygiene items not sold or issued by SCDC or approved by the Warden. Cosmetic items not purchased through SCDC Canteens or SCDC approved mail order catalogs;

1.22 Games and recreational equipment (including musical instruments) not sold through the SCDC Canteen branch or authorized and controlled by institution;

1.23 Plastic and other synthetics that do not comply with institutional policy;

1.24 Items that are involved in the disruption of institutional operations or become a clear and present danger to personal safety, not included herein may be seized as contraband; and

1.25 No employee, visitor, vendor or inmate, not specifically authorized to do so, shall have in their possession or under their control:

- any weapon, instrument, or tool to effect an escape or aid in an assault or insurrection;
- any intoxicant, drug or similar stimulant, dice, or games of chance; or
- any article of property not permitted by the Warden and/or Agency policy;

1.26 Possession of a weapon or a replica of a weapon by an inmate is a criminal offense.

1.27 Any toxic, caustic, or flammable material in an inmates possession that is not authorized by institutional policy is considered contraband. A continuous on-going inventory will be maintained of restricted materials with quantities dispensed to inmates sufficient only for the immediate purpose to be served. Use of these materials will be conducted under strict supervision. Poisonous substances will be handled in such a way as to make it impossible for these materials to be mixed with food or to be used in food by accident;

1.28 Cassette Tapes, Videotapes, Compact Discs, Computer, or Typewriter Discs: Cassette tapes, videotapes, compact discs, and computer or typewriter discs are not authorized. Religious cassette tapes may be checked out through the institutional Chaplain. (NOTE: Inmates will be permitted to receive audiotapes of their own parole hearings through the mail directly from the Department of Probation, Parole, and Pardon Services only. These tapes will be considered legal materials.)

1.29 Other items as specified by the Warden. Written notification of any items so specified will be provided each inmate. One copy of the notifications will be made a part of this policy and will also be provided to the Inspector General and the Division of Operations.

2. INSPECTOR GENERAL RESPONSIBILITIES: The Inspector General will:

2.1 REQUIRE that prior notification of any officer/staff to be appointed as a Contraband Control Officer

(CCO) or Assistant Contraband Control Officer (ACCO) be made to the Division Director of Investigations in order that a "name search of investigative records" be conducted. The search will be completed prior to actual assignment to the contraband duties.

2.2 Establish a training program for each officer/staff appointed as a CCO or ACCO. The training program will include contraband policy, procedures, and certification as a drug tester. Each newly appointed CCO and ACCO will complete the training program in as timely manner as the Warden can schedule the training. Institution Investigators and/or a CCO assigned to another institution may conduct this training program when available.

2.3 Ensure that an annual inspection of all Contraband Control Operations Areas is conducted and documented.

2.4 Require a quarterly contraband report be provided through the Warden to the Division Director of Investigations and the Division Director of Security and the Division of Operations by the 10th working day following the last day of each quarter.

2.5 Require that the Division of Investigations conduct an unannounced inspection of each institutional Contraband Control Operations Area at least once every three years.

3. WARDENS RESPONSIBILITIES:

3.1 Select a minimum of:

- One Sergeant for CCO and one Correctional Officer for ACCO at Level III institutions;
- One Correctional Officer for CCO at Level II institutions;
- One Correctional Officer for the ancillary duties of CCO at Level I institutions.

3.2 Appoint additional Assistant Contraband Control Officers (ACCOs) as needed.

3.3 Ensure that prior notification of any officer/staff to be appointed as a CCO or ACCO be made to the Division of Investigations in order that a name search is conducted prior to actual assignment to the respective duties. In most cases Captains and Lieutenants should not be assigned as the CCO. An oversight audit responsibility can be given to these employees for contraband inspections, audits, and/or dispositions.

3.4 Ensure that each newly appointed CCO and ACCO receive and successfully complete the Contraband Control Training Program in a timely manner. Institution Investigators and/or a CCO assigned to another institution may conduct this training program when available.

3.5 In addition to the Contraband Log Book, SCDC Form 19-79, "Controlled Substance and Disposition Form," will be used for testing and disposition throughout the Agency and the SCDC S-23, "Evidence Card," will be used for chain of evidence.

3.6 Ensure a safe and secure place for storage of contraband is provided. Access to the storage location will be strictly controlled and limited. The Division Director of Investigations will inspect the location and access controls.

4. CONTRABAND CONTROL OFFICER RESPONSIBILITIES: Contraband Control Officers (CCO) will:

4.1 Successfully complete the Contraband Control Training Program in a timely manner when scheduled by the Warden.

4.2 Maintain all contraband in strict accordance with Agency policy, procedures and laws.

4.3 Maintain a Contraband Log Book at each institution for control, accountability and disposition. It will be a bound ledger.

4.4 Prepare an SCDC Form 19-4, "Quarterly Report of Confiscated Property." The report will be sent through the Warden to the Division of Operations and to the Division Director of Investigations and the Division Director of Security. They must receive the Quarterly Report of Confiscated Property by the 10th working day following the last day of each quarter.

4.5 Ensure all precautions are taken to keep all contraband away from inmates. Institution specific procedures will be developed and implemented with the Warden's approval, to prevent any inmate, visitor, vendor, volunteer, contractor, or employee from carrying contraband into the confines of any institution or facility.

4.6 Conduct routine and irregular shakedowns of inmates quarters, frequent shakedowns, and careful supervision of inmates and conduct discrete observation of visitors, vendors, volunteers, contractors and employees. Conduct regular inspections of vehicular traffic and supplies and ensure proper handling and storage of items inmates are not to possess.

5. CONTRABAND SAFE:

5.1 Only the Warden, one Wardens designee, the CCO and the ACCO are permitted access to the contraband safe and the safe combination and/or key. A memo signed by the Warden, listing the names of the employees (noted above) who are authorized to enter the safe will be posted in an area that is visible to all that enter.

5.2 Whenever someone opens the safe, he/she must complete a "Control Sheet" (See Appendix 1) which will be kept in a folder in the safe. The sheet will identify the following:

- Name of person who entered

- Date entered
- Time entered
- Reason for entering (include Case Number)

5.3 The combination to the contraband safe will be given to the CCO and the ACCO who will immediately commit it to memory. They will not retain it in written form. If the contraband safe is key controlled, they will be given a key to access the safe and keep it in their possession at all times. The safe key will not be signed in and out on a daily basis.

5.4 A copy of the contraband safe combination or key will be stored in a sealed envelope (the seal will be initialed and dated by the Warden) and kept in the Wardens safe for emergency purposes. The combination or key to the contraband safe, kept in the Wardens safe, is only to be accessed by the Warden and his/her designee.

6. ACCESS TO THE CONTRABAND CONTROL OPERATIONS OFFICE AND AREA:

6.1 The Contraband Control Office is accessible to all SCDC employees when the CCO or Assistant CCO are present. When the CCO or Assistant CCO are not present, the SCDC employees must have approval from the Warden/Duty Warden to enter the Contraband Control Office. An employee must escort any inmate entering the Contraband Control Office.

6.2 Contraband Storage Area: A safe and secure place of storage and access to the storage area will be strictly controlled and limited. The Contraband Storage Area may be a secured room, a cabinet, locker or closet that is used for the storage of contraband other than high security risk contraband such as drugs, weapons, money, ammunition, etc. The warden will publish a memo that lists all employees who are permitted access to the Contraband Storage Area. The memo will be posted in a location that is visible to all who enter the Contraband Storage Area (example: posted on the door to the contraband storage area). Everyone who enters the Contraband Storage Area must sign in on a contraband storage area log.

7. CONTRABAND CONTROL OPERATIONS KEYS:

7.1 The CCO and Assistant CCO will each be issued a complete set of keys to the Contraband Control Operations Area. They will keep the keys in their possession at all times. They will not be signed in and out on a daily basis.

7.2 The Warden will also be issued a complete set of keys to the contraband Control Operations area. They will be secured in the Wardens safe in a sealed enveloped and the seal will be initialed. In the event of an emergency, only the Warden and his/her designee will use these keys.

7.3 Whenever the CCO or the ACCO are away from their duty assignment for a significant amount of time (e.g., extended sick leave, extended military leave, extended furlough), he/she must give the contraband Control Operations Keys to the Warden.

7.4 The combination or lock/key to the Contraband Safe must be changed and an inventory conducted whenever the Warden, CCO or ACCO are reassigned to another job assignment. This must be done within the first 48 hours of the reassignment.

8. CONTRABAND LOG BOOK:

8.1 A Contraband Log Book will be used to establish a record keeping system for control, accountability and disposition. The log will be maintained in a bound ledger at each institution. Corrections in the Log Book will be made by drawing one line through the error and initialing the error. Correction fluid (White out) will not be used. All entries will be made in black ink. At a minimum, the following information will be maintained in the Log:

- Case Number
- Inmate Name
- Inmate Number
- Date of Incident
- Time of Incident
- Location Evidence Was Found
- Found By
- Evidence Description
- Quantity
- Test Results
- Disposition Date
- Receipt Number
- SCDC S-23, "Evidence Card"

8.2 When confiscated contraband is recorded in the Contraband Log Book:

- An S-23, "Evidence Card," must be completed
 - The respective S-23, "Evidence Card," must be attached to the evidence without destroying any portion of the evidence or evidence container
 - A ~~tear-off~~ case number label (~~attached to S-23, "Evidence Card"~~), must be securely attached to the evidence without destroying any portion of the evidence
 - The ~~"tear-off"~~ case number label must be visible, yet, not able to be easily removed from the evidence.
- (Amended by Change 1, dated February 25, 2004)

9. EVIDENCE STORAGE AND DISPOSITION: When possible, all evidence must be placed in a container (e.g., box, plastic bag, cellophane or envelope) and must have the evidence ~~tear-off~~ case number label S-23 (with case number) attached to the evidence and container. (Amended by Change 1, dated February 25, 2004)

9.1 Drugs:

9.1.1 All drugs will be weighed and tested upon receipt by the CCO. (See testing procedures in Paragraph 10., below.) The results of the test will be recorded in the Contraband Log Book and on SCDC Form 19-79,

"Controlled Substance and Disposition Form."

9.1.2 Institutions that do not possess testing equipment and/or scales will have such testing conducted at the nearest correctional institution or local law enforcement agency. A coordination procedure will be established in writing by the institution.

9.1.3 Drugs will be held until the case is disposed of by the Inmate Disciplinary System or court action. After all hearings are completed, the drugs will be disposed of by the CCO (See procedures).

9.1.4 Drugs signed over to civil court officials and/or local law enforcement personnel will require a receipt to be obtained and maintained. These officials will normally be responsible for the drug disposition. However, if these officials return the drugs to the institution, these drugs will be documented and destroyed as specified in this policy.

9.2 Pills: Pills will be handled in the same manner as specified for drugs. Pills require identification before disposition. A pharmacist, medical professional, or law enforcement agency must identify the pills and the identification must be recorded on SCDC Form 19-79.

9.3 Firearms: Any firearm confiscated by a correctional employee at a correctional facility will be turned over to the South Carolina Law Enforcement Division (SLED), until adequate traces can be made. If it becomes necessary to provide the firearm as evidence at a civil court hearing, the firearm may be retrieved from SLED for the hearing and retained in the institutional armory until the case has been completed.

9.4 Knives and other weapons considered contraband: This is a large category that includes, but is not limited to, pipes, wire, boards, glass, etc. This type of contraband will be maintained at the institution until all hearings have been completed. Once completed, this contraband will be destroyed (as outlined in this policy). A record of disposition will be maintained in the Contraband Log Book and SCDC Form 19-79, "Controlled Substance and Disposition Form."

9.5 Alcoholic Beverages:

9.5.1 Commercial alcoholic beverages: All commercial alcoholic beverages confiscated at an institution will be maintained and secured in the Contraband Control Operations locker until all hearings have been completed. A record of the confiscation will be recorded in the Contraband Log Book. These commercial beverages will be destroyed after the hearings and after SCDC Form 19-79 is completed.

9.5.2 "Homemade" alcoholic beverages (buck): All "homemade" alcoholic beverages will be certified by sight and smell. A sample and/or a photograph of the evidence will be maintained in the Contraband Control Storage Area until the Disciplinary Hearings have been completed. The "homemade" beverages and container may be destroyed once a sample and/or photograph is obtained and SCDC Form 19-79 is completed. Contraband that can cause a health and safety concern may be destroyed after it is photographed.

9.6 Money: Money is not allowed to be possessed by any inmate assigned to any institution with the exception of those classified as Work Release. Inmates participating in a Work Release Program are authorized to possess up to \$40.00 in bills. (NOTE: The SCDC reserves the right to change the amount of currency authorized for Work Release inmates at any time.) Money found to be in the possession of any inmate, or money in excess of approved limits found on any Work Release inmate, will be confiscated and deposited within three (3) working days and the inmate will be subjected to disciplinary action. The

following procedures will be followed for processing confiscated monies:

9.6.1 The confiscating official will complete SCDC S-23, "Evidence Card," and SCDC Form 19-79, "Controlled Substance Testing and Disposition."

9.6.2 The confiscating official must give the funds and completed forms to the CCO.

9.6.3 The CCO will record all evidence in the Contraband Log Book.

9.6.4 The CCO must give the funds to the person designated by the Warden to handle such funds.

9.6.5 The person designated to handle the funds will give the CCO a receipt that includes the total amount submitted.

9.6.6 The designated individual at the institution will ensure that the funds are deposited not later than three (3) working days following the confiscation.

10. PROCEDURES FOR WEIGHING AND RECORDING CONTRABAND DRUGS:

10.1 The employee finding/confiscating the contraband drugs should complete an SCDC Form 19-29, "Incident Report," (to be sent through proper routing procedures) and an S-23, "Evidence Card."

10.2 Attach the S-23, "Evidence Card," to the drugs (without damaging the original packaging or the contraband drugs) and place in the contraband/evidence drop box or give the contraband drugs to the CCO or ACCO.

10.3 CCO or ACCO will remove the contraband drugs from the contraband/evidence drop box and take them to the Contraband Control Office. He/she will verify the data on the S-23, "Evidence Card," and record all necessary data in the Contraband Log Book.

10.4 The CCO/ACCO must have the following material for management of the Contraband Drugs: Evidence Bags (or seal-a-meal bags and a sealer machine); container to weigh drugs (i.e., metal or glass bowl); scissors; "tear off" case number label ("tear off" case number labels are attached to S-23 "Evidence Card"); drug test kit; weighing scale; rubber gloves; and SCDC 19-79, "Controlled Substance and Disposition Form."

10.5 Procedures for weighing contraband drugs:

- Weigh the metal or glass (bowl) container in which you will place the contraband drugs (this will be "tare" weight).
- Remove the contraband drugs from the original packaging (save the original packaging for evidence).
- Test the drugs with an Agency approved test kit and record the results and all necessary data on SCDC 19-79, "Controlled Substance and Disposition Form," and the Contraband Log Book.
- Place the contraband drugs in the metal or glass (bowl) container and weigh on scale (note: the difference of the "total" weight and the "tare" weight is the "net" weight of the contraband drugs. Record the "net" weight on the SCDC 19-79, "Controlled Substance and Disposition Form," and the Contraband Log Book.

- Place the contents of the metal or glass (bowl) container in cellophane. Then place the "tear off" case number label, in an Evidence Bag (or in the seal-a-meal bag) with the original packaging.
- (NOTE: ensure the "tear off" case number label is visible and the original packaging is separate from the contraband drugs)
- Seal the Evidence Bag (or the seal-a-meal bag with the sealer machine).
- Attach the completed S-23, "Evidence Card," to the Evidence Bag (or seal-a-meal packaging).
- Place in the Contraband Control Safe.

11. CONTRABAND DISPOSAL PROCEDURES:

11.1 Contraband Drugs:

- Needed: Cardboard box; adhesive evidence tape; CCO, ACCO and one witness/employee (whose rank is Captain or higher) appointed by the Warden, or the CCO or ACCO and two witnesses/employees (whose rank is Captain or higher) appointed by the Warden.
- Complete a SCDC Form 19-79 and save for future reference.
- Two witnesses/employees will observe the CCO (or ACCO) place all recorded drug cases in noted cardboard box. When all cases are in the box, all seams and openings will be sealed with adhesive evidence tape and all three employees will initial all the areas in which the tape and box meet to confirm witnessed sealing.
- Most Law Enforcement contraband incinerators operate on a limited schedule. Make sure you make arrangements and an appointment to take the sealed box to the incinerator.
- Two of the three witnesses/employees (one must be at least a Captain) will take the sealed contraband box to the prearranged Law Enforcement contraband incinerator. The two witnesses/employees will show proof that procedures have been followed and present the sealed box to the incinerator operator for disposal.
- The two SCDC witnesses/employees and the incinerator operator must insure the box has been destroyed.
- After disposal of the contraband, disposition of all cases and the noted witness of the disposal must be noted in the Contraband Log Book and on the SCDC Form 19-79.

11.2 Firearms: All firearms confiscated from inmates will be recorded in the Contraband Log Book, labeled with and S-23, "Evidence Card," and turned over to SLED for disposition/destruction. (NOTE: Firearms or other items considered being possible weapons found by labor crews off SCDC property will not be disturbed. Local law enforcement will be contacted to retrieve and handle such items in accordance with statutory requirements.)

11.3 Ammunition/Explosives: All ammunition and explosives will be turned over to local law enforcement (bomb disposal unit) in the same manner as firearms. (NOTE: Ammunitions or explosives found by labor crews off SCDC property will not be disturbed. Local law enforcement will be contacted to retrieve and handle such items in accordance with statutory requirements.)

11.4 Needles/Syringes: All needles/syringes will be disposed of as bio-hazardous waste pursuant to current agency policies/procedures, state and federal regulations, and medical protocol.

11.5 Alcohol/Other Intoxicants: All confiscated alcoholic beverages or other intoxicant (e.g., inhalers, etc.) will be disposed of or destroyed in a safe manner by the CCO and witnessed by the ACCO or other staff

member approved by the Warden. (NOTE: With the Duty Wardens approval, the Shift Supervisor may dispose of homemade wine. This should only be authorized in the absence of the CCO and ACCO. Each time that this occurs, the disposal must be thoroughly documented and signed.)

11.6 Other Weapons: Other weapons (e.g., brass knuckles, pocket-knives, shanks, clubs, etc.) or items deemed a threat to the security of the institution or others will be disposed of or destroyed in a safe manner by the CCO, ACCO, and another staff witness approved by the Warden.

12. CONTRABAND LOG BOOK: The below listed items are required entries for the institutional Contraband Log Book. These categories will be listed horizontally in the Log Book.

CATEGORY	DESCRIPTION
Case Number	Must be numbered sequentially starting with the number "1" at the beginning of each calendar year. This will be a reference number for receipts or disposition of all contraband.
Name	List the last name first, then the first name and middle initial of the person from whom the contraband was associated/confiscated. If ownership can not be determined, then "Unknown" will be listed.
Inmate Number	List the SCDC Number of the Inmate identified with the respective "Case Number." If it is an employee or visitor, list his/her social security number.
Date of Incident	List the Month, Day, and Year of the incident involving the noted contraband.
Time of Incident	List the time of the incident involving the noted contraband in the form of "Military Time."
Location Evidence	Identify the Location in which the Contraband was found.
Found By	Name and Rank of person who found the contraband.
Evidence Description	Objectively describe the Contraband.
Quantity	Objectively identify the quantity by measuring, counting, weighing, etc.
Test Results	Identify the Test and the Test Results and the measurement results of the test when possible.

Disposition Date	Identify what was done to the Contraband (e.g., destroyed at SLED, date, witnesses).
Receipt Number	This is the number of the sealed container when contraband is turned over to SLED, local law enforcement agencies, or any other receipting system used by the institution.